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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/656,703	09/06/2003	Paul T. Dietz		8256

7590 12/02/2004

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Elko, MN 55020

EXAMINER

COURSON, TANIA C

ART UNIT	PAPER NUMBER
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2859

DATE MAILED: 12/02/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/656,703

Applicant(s)

DIETZ, PAUL T.

Examiner

Tania C. Courson

Art Unit

2859

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 September 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8, 10 and 15-17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8, 10 and 15-17 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 06 September 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- 1) ☐ Certified copies of the priority documents have been received.
 - 2) ☐ Certified copies of the priority documents have been received in Application No. _____.
 - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-8, 10 and 15-17 are rejected under 35 U.S.C. 102(b) as being anticipated by Sappington (US 5,414,936).

Sappington discloses in Figures 1-6, an adjustable archery sight comprising:

With respect to claims 1-8 and 10:

- a) a vertical slide (Fig. 2, slide 53), a vertical slide mount (Fig. 2, carriage 25) slidably engaged with the vertical slide to allow movement of the vertical slide in a vertical direction (Fig. 1), a horizontal bar (Fig. 2, screw 121) adapted for receiving an aiming sight and engaged with at least one of the vertical slide and vertical slide mount to allow movement of the horizontal bar in a horizontal direction (Fig. 1), a removable adjustment member (Fig. 2, bracket 83, slide 51, support 101 and bracket 89) that adjusts the aiming sight in controlled, finite, repeatable, increments in the horizontal and vertical direction relative to a fixed point on a bow (Fig. 1);
- b) further including a mounting member (Fig. 2, bracket 5) mounted to the bow and engaged to the vertical slide mount (Fig. 1);

- c) further including an extension member (Fig. 2, arm 3) extending between the mounting member and the vertical slide mount (Fig. 1);
- d) further including a first coupling (Fig. 2, axial knob 133) to couple the adjustment member to the horizontal bar and at least one of the vertical slide and vertical slide mount (Fig. 1), and;
- e) further including a second coupling (Fig. 2, cap 73) to couple the adjustment member to vertical slide and the vertical slide mount (Fig. 1).

With respect to claims 15-17:

- a) a sight assembly attached to a bow (Fig. 1), horizontal means (Fig. 2, screw 121) for adjusting the sight assembly in a substantially horizontal plane (Fig. 1), vertical means (Fig. 2, slide 53) for adjusting the sight assembly in a substantially vertical plane (Fig. 1), a removable adjustment member (Fig. 2, bracket 83, slide 51, support 101 and bracket 89) that adjusts the aiming sight in controlled, finite, repeatable, increments in the horizontal and vertical direction relative to a fixed point on the bow without disassembling the horizontal or vertical means (Fig. 1);
- b) including a first coupling (Fig. 2, axial knob 133) that couples the adjustment member to the horizontal means (Fig. 1);
- c) including a second coupling (Fig. 2, cap 73) that couples the adjustment member to the vertical means (Fig. 1).

Response to Arguments

3. Applicant's arguments filed on September 14, 2004, have been fully considered but they are not persuasive.

4. With respect to claims 1, 6 and 15: The adjustment member disclosed by Sappington is considered to be in a broad sense, a "removable" adjustment member since the components can be removable. Furthermore, the term "removable" does not add any structural limitation to the term "adjustment member", thus it does not provide enough patentable weight.

5. In response to applicant's argument that by disassembling the bracket 83, slide 51, support 101 and bracket 89 the sight 81 is not usable to assist the archer, Sappington does show an adjustment member "without disassembling the vertical and horizontal means", furthermore the adjustment member may be seen as "removable" as defined in paragraph 4.

6. In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., aiming device remains operable after the adjustment member is removed) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). See paragraph 4 for the term "removable".

Conclusion

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tania C. Courson whose telephone number is (571) 272-2239. The examiner can normally be reached on Monday-Friday from 8:00AM to 4:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Diego Gutierrez, can be reached on (571) 272-2245.

The fax number for this Organization where this application or proceeding is assigned is (703) 872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications

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may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



DIEGO F.F. GUTIERREZ
SUPERVISORY PATENT EXAMINER
GROUP ART UNIT 2859

TCC

November 29, 2004